

(d) a suction source located in one of said upright housing section and said nozzle base section and having a suction airflow inlet in fluid communication with said cyclonic chamber outlet and a suction airflow outlet;

(e) a main filter assembly located between said cyclonic airflow chamber and said suction source for filtering residual dust and dirt from a suction airstream as it flows through said cyclonic airflow dust and dirt separating chamber; and,

(f) wherein an inlet of said suction source is colinear with said cyclonic chamber outlet.

29. The upright vacuum cleaner as set forth in claim 28 further comprising a final filter assembly located on one of said housing and said nozzle base, said final filter assembly being in fluid communication with said suction airflow outlet of said suction source for filtering said suction airstream exhausted by said suction source prior to said suction airstream being dispersed into the atmosphere and wherein said final filter assembly comprises a high efficiency particulate arrest (HEPA) filter media.

30. The upright vacuum cleaner as set forth in claim 28 further comprising a dirt cup, wherein said cyclonic airflow chamber is defined within said dirt cup and between an interior wall thereof and an exterior wall of said main filter assembly.

REMARKS

This is a voluntary divisional application of Application No. 09/239,860, filed January 29, 1999. ("the '860 Application"). A Notice of Allowance issued in the '860 Application on June 20, 2000, and the issue fee was paid on September 18, 2000. Claims 22 through 30 are pending, with Claims 22 and 28 being independent. Original application Claims 1 through 21 have been cancelled without prejudice. Claims 22 through 30 have been added. The title has been amended. The specification has been amended, Figures 3, 5 and 6 have been corrected and new drawing Figure 15 has been added, in order to incorporate those amendments made in the '860 Application.

Applicant also claims priority under 35 U.S.C. § 120 to Application No. 09/227,534, filed January 8, 1999, based upon the fact that the parent '860 Application was filed as a continuation-in-part of that application.

**STATEMENT UNDER 37 CFR 1.607(c)**

In accordance with the provisions of 37 CFR 1.607(c), the Examiner is respectfully advised that newly added Claims 22 through 30 have been copied exactly or in modified form from Claims 1, 3 through 7, 9, 10 and 14 of U.S. Patent No. 6,070,291 to Kenneth W. Bair, et al. ("Bair et al. '291").

The Bair et al. '291 patent issued on June 6, 2000, and is of record as assigned to Royal Appliance Mfg. Co., of Cleveland, OH. The '860 Application and the present divisional application are of record as assigned to Fantom Technologies Inc., of Ontario, Canada.

Applicant has copied claims from Bair et al. '291 for the purpose of provoking an interference with that patent. Support for the copied claims and the identification of a proposed count for the interference will be submitted in a separate Request for Interference, which will be filed in due course. In the meantime, if the Examiner reaches this case for action prior to receipt of the Request for Interference, the Examiner is requested to telephone the undersigned before acting on the subject application.

Applicant also includes an Associate Power of Attorney with the application papers. Applicant's associate U.S. attorney, Warren E. Olsen (Reg. No. 27,290) may be reached in his Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to the principal attorneys, in Toronto, Ontario, Canada.

Respectfully submitted,

By: Philip C. Mendes da Costa

Philip C. Mendes da Costa  
Registration No. 33,106  
/ms  
Encl.